

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

---

GENE T. FAVORS #159735,

Plaintiff,

Case No. 2:16-CV-33

v.

HON. GORDON J. QUIST

DAVID M. LEACH, et al.,

Defendants.

---

**ORDER ADOPTING**  
**REPORT AND RECOMMENDATION**

On December 28, 2017, Magistrate Judge Greeley issued a Report and Recommendation (R & R) recommending that the Court deny Defendants' motion to dismiss pursuant to Fed. R. Civ. P. 37(d). The R & R was duly served on the parties on December 28, 2017. No objections have been filed pursuant to 28 U.S.C. § 636(b). Therefore the Court will adopt the R & R.

Therefore,

**IT IS HEREBY ORDERED** that the December 28, 2017, Report and Recommendation (ECF No. 112) is **ADOPTED** as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants' Rule 37(d) Motion to Dismiss (ECF No. 99) and Defendant Gugin's Motion for Joinder in the Rule 37(d) Motion (ECF No. 106) are **DENIED**.

Dated: March 2, 2018

/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE